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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,673	03/24/2004	Kenichi Satake	81872.0058	4318
26021	7590	11/17/2006	EXAMINER	
HOGAN & HARTSON L.L.P. 1999 AVENUE OF THE STARS SUITE 1400 LOS ANGELES, CA 90067			FIDLER, SHELBY LEE	
			ART UNIT.	PAPER NUMBER
			2861	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Allowability**

Application No.

10/807,673

Examiner

Shelby Fidler

Applicant(s)

SATAKE, KENICHI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3/24/04 & 8/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

  
**STEPHEN MEIER**  
SUPERVISORY PATENT EXAMINER

*Election/Restrictions*

This application contains claims directed to the following patentably distinct species:

Species I: a method of driving a piezoelectric inkjet head characterized by the time constant of rise and/or fall voltage when the drive voltage is applied/stopped is set in the range that satisfies the relations with respect to the period  $T_a$ ; and

Species II: a method of driving a piezoelectric inkjet head characterized by the pulse width  $T_3$  of the drive voltage being set at an integral multiple of the period  $T_a$ .

The species are independent or distinct because they are disclosed as being separate embodiments that can be embodied simultaneously (page 41, lines 9-10).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

During a telephone conversation with Lawrence McClure on 4/3/2006 a provisional election was made without traverse to prosecute the invention Species I. Affirmation of this election must be made by applicant in replying to this Office action.

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This application is in condition for allowance except for the presence of claim 6-8 directed to an invention non-elected without traverse. Accordingly, claims 6-8 have been cancelled.

#### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Barry Shuman on 11/9/2006.

#### Amendments to the Specification:

On page 19, line 13, "according to claim 6 is" is changed to "further comprises"

On page 20, line 24, "according to claim 7 is" is changed to "further comprises"

On page 20, line 25, "of claim 6" is deleted

On page 21, line 24, "according to claim 8" is changed to "further comprises"

On page 21, line 25, "of claim 6" is deleted

On page 38, line 10, "In the invention according to claim 6, as" is changed to "As"

On page 41, line 9, "claims 1 and 6" is changed to "the invention"

On page 41, line 19, "claims 1 and 6" is deleted

On page 43, line 13, "of claims 1 and 6" is deleted

*Allowable Subject Matter*

Claims 1-5 are allowed.

The primary reason for the allowance of claims 1-5 is the inclusion of the method of driving a piezoelectric ink jet head including the method step of characterizing the piezoelectric element is driven with a drive voltage waveform that has at least one of the following settings:

(a) time constant  $\tau_{up}$  of rise of the drive voltage in the process (A) is set in a range that

satisfies the relation of the expression  $\frac{Ta}{(-\ln 0.01)} \leq \tau_{up} \leq \frac{Ta}{(-\ln 0.25)}$

with respect to the period  $Ta$  of the ensuing vibration of the drive section which is superposed on the vibration waveform of the volumetric velocity of the ink in the head,

(b) time constant  $\tau_{dn}$  of fall of the drive voltage in the process (B) is set in a range that

satisfies the relation of the expression  $\frac{Ta}{(-\ln 0.01)} \leq \tau_{dn} \leq \frac{Ta}{(-\ln 0.25)}$

with respect to the period  $Ta$ . It is this step found in the claims, as it is claimed in the combination, that has not been found, taught, or suggested by the prior art of record which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kojoh et al. (US 6886898 B2) teaches a rise time and fall time between  $Ta/10$  and  $Ta/3$ . Hosono et al. (US 5510816) teaches a discharging time constant between  $0.9Ta$  and  $1.2Ta$ .

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Sakata et al. (6276772 B1) teaches a rising time constant and a falling time constant between 0.8Ta and 1.2Ta. Ushioda (US 6241345 B1) teaches a rising time of Ta/2.


*Communication with the USPTO*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on MWF 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S.F. Fidler* 11/9/06  
Shelby Fidler  
Patent Examiner  
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**STEPHEN MEIER**  
**SUPERVISORY PATENT EXAMINER**